

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES

STIPULATION

AND ORDER

-v.-

S2 05 Cr. 135 (PKC)

JUAN GABRIEL USUGA-NORENA,
a/k/a "Miguel,"
EDUARDO ALEXANDRE DA PIEDADE
VALENTIM,
and MARGARITA CARMONA-RUBIO,

Defendants. :

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WHEREAS, on or about October 4, 2006, JUAN GABRIEL USUGA-NORENA (the "Defendant") pled guilty to violating Section 5324 of Title 31, United States Code;

WHEREAS, the Defendant, as part of his written plea agreement, agreed to sell his property located at Baranca 27 Este, Casa de Campo, La Romana, Dominican Republic (the "DR Property") and to forfeit \$3 million of the proceeds from the sale of the DR Property to the United States;

WHEREAS, the Court entered a Post-Indictment Restraining Order on or about October 27, 2005 (the "Restraining Order"), which, *inter alia*, restrained the defendants from transferring, selling, assigning, pledging, hypothecating, encumbering, or disposing of the DR Property;

WHEREAS, as set forth in the written plea agreement, the Defendant and the Government have reached an agreement with respect to the disposition of the DR Property and the Government

consents to the limiting of the Restraining Order so that the Defendant may sell the DR Property pursuant to this Stipulation;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Defendant and his counsel, Roy Kahn, Esq.; and the United States of America, by its attorney Michael J. Garcia, United States Attorney, and Lisa Korologos, Assistant United States Attorney; as follows:

1. The Defendant may sell the DR Property upon the Government's approval of the purchaser and the terms of the sale.

2. The Defendant shall transfer US \$3 million from the proceeds of the sale of the DR Property to the United States in the form of a certified check made payable to the United States Marshals Service within 30 days from the date of the sale.

3. The Defendant consents to the entry of an order of forfeiture with respect to the US \$3 million.

4. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation.

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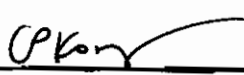
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5. The signature pages of this stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument and facsimile signatures shall be acceptable in lieu of original signatures.

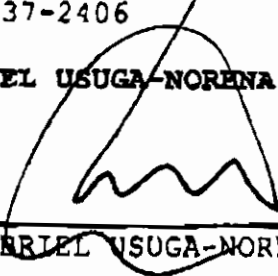
AGREED AND CONSENTED TO:

MICHAEL J. GARCIA,
United States Attorney for
the Southern District of New York

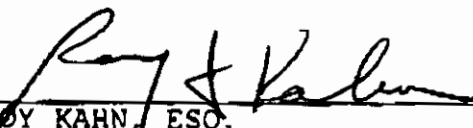
By: 
LISA KOROLOGOS
Assistant United States Attorney
(212) 637-2406

12-5-06
DATE

JUAN GABRIEL USUGA-NORENA, Defendant

By: 
JUAN GABRIEL USUGA-NORENA, Defendant

12/05/06
DATE

By: 
ROY KAHN, ESQ.
Counsel for Defendant

12-05-06
DATE

ORDER


Having reviewed the foregoing Stipulation and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The conditions of the Restraining Order are modified to allow the Defendant to sell the DR Property upon the Government's approval of the purchaser and the terms of the sale.

2. The Defendant shall transfer US \$3 million from the proceeds of the sale of the DR Property to the United States in the form of a certified check made payable to the United States Marshals Service within 30 days from the date of the sale of the DR Property.

SO ORDERED:



HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE

12-13-06
DATE